



DTOS Rec'd PCT/PTO 09 AUG 2002

PCT

MAILING CERTIFICATION

PATENTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on ~~July 8, 2002~~ 8/5/02

*[Handwritten signature]*

Bruce S. Londa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty's Docket No.:  
101195-66

Examiner : TBA

Group Art Unit : TBA

Applicant : Karsten Brand/et al.

Appln. Number : 09/980,972 ✓

Filed : October 29, 2001

For : Agent for Gene Therapy and for the Prevention of Metastases, as Well as for the Gene Therapy of Tumors

Response to Decision on Papers Under 37 CFR 1.42

Asst. Commissioner of PATENTS  
Washington, D.C. 20231

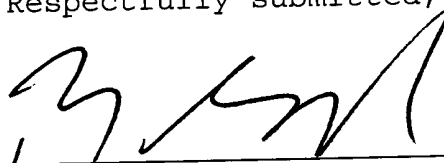
Sir:

In response to the Decision of Papers Under 37 CFR1.42 mailed June 26, 2002, the undersigned submits that the proof of authority of Irene Strauss to sign attached to the declaration filed in the above-identified application was a copy of the last

will and testament of her deceased husband and she is named sole heir in this will. An English translation was also provided. This will and testament clearly identifies Irene Strauss as Michael Strauss' sole heir. A copy of the papers filed together with the postcard returned by the Patent Office acknowledging receipt is enclosed. It is clearly indicated on the postcard that the proof of authority of Irene Strauss to sign on behalf of Michael Strauss was filed.

Please issue the Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 and 1.495 with a 35 U.S.C. 102(e) date of March 14, 2002.

Respectfully submitted,



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Bruce S. Londa (33,531)  
Attorney for Applicant  
Norris McLaughlin & Marcus P.C.  
220 East 42<sup>nd</sup> Street, 30<sup>th</sup> Floor  
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**Norris, McLaughlin & Marcus, P.A.**220 East 42<sup>nd</sup> Street, 30<sup>th</sup> Floor  
New York, NY 10017

If each inventor understands English, the Declaration and Power of Attorney below is suitable for use when filing a regular patent application and also when entering the national stage, in the case of an International application designating the USA under the PCT.

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION			Attorney Docket No. 101195-66																								
<p>As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below at 201) or an original, first and joint inventor (if plural names are listed below at 201-205) of the subject matter which is claimed and for which a patent is sought on the invention entitled</p> <p style="text-align: center;">Agent for Gene Therapy and for the Prevention of Metastases, as Well as for the Gene Therapy of Tumors</p> <p>the specification of which (check one)</p> <p><input type="checkbox"/> is attached hereto</p> <p><input checked="" type="checkbox"/> was filed on <u>2 May 2000</u></p> <p>under Serial Number <u>PCT/DE00/01416</u> and was amended on _____ (if applicable).</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.</p> <p>I list below any prior foreign application(s) for patent or inventor's certificate in respect of which foreign priority benefits are claimed under 35 USC 119; and any prior foreign application(s) for patent or inventor's certificate in respect of which such foreign priority rights are not claimed and which has a filing date before that of any application in respect of which such foreign priority benefits are claimed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 25%;">Application Number</th><th style="width: 25%;">Country</th><th style="width: 25%;">Filing Date (day, month, year)</th><th style="width: 25%;">Priority Claimed under 35 USC 119</th></tr></thead><tbody><tr><td>199 19 865.9</td><td>Germany</td><td>30 April 1999</td><td>YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/></td></tr><tr><td> </td><td> </td><td> </td><td>YES: <input type="checkbox"/> NO: <input type="checkbox"/></td></tr><tr><td> </td><td> </td><td> </td><td>YES: <input type="checkbox"/> NO: <input type="checkbox"/></td></tr></tbody></table> <p>I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 60%;">Application No.</th><th style="width: 40%;">Filing Date</th></tr></thead><tbody><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></tbody></table>				Application Number	Country	Filing Date (day, month, year)	Priority Claimed under 35 USC 119	199 19 865.9	Germany	30 April 1999	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>				YES: <input type="checkbox"/> NO: <input type="checkbox"/>				YES: <input type="checkbox"/> NO: <input type="checkbox"/>	Application No.	Filing Date						
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## Combined Declaration and Power of Attorney

101195-66

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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**Bruce S. Londa (33,531) Lorimer P. Brooks (15,155) William R. Robinson (27,224)**  
**Kurt G. Briscoe (33,141) William C. Gerstenzang (27,552) Robert A. Hyde (46,354)**  
**Davy E. Zoneraich (37,267) Mark A. Montana (44,948)**

<b>201</b>	Family Name	First Given Name	Second Given Name
	BRAND	Karsten	
	City of Residence	State or Foreign Country	Country of Citizenship
	Berlin	Germany	Germany
<b>202</b>	Post Office Address	City	State & ZIP/Country
	Jagowstrasse 30	D-10555 Berlin	Germany
	Family Name	First Given Name	Second Given Name
	BAKER	Andrew	
<b>203</b>	City of Residence	State or Foreign Country	Country of Citizenship
	Dumbarton	United Kingdom	United Kingdom
	Post Office Address	City	State & ZIP/Country
	Hillview 24 Round Riding Road	Dumbarton G82 2HW	United Kingdom
<b>204</b>	Family Name	First Given Name	Second Given Name
	STRAUSS	Michael	
	City of Residence	State or Foreign Country	Country of Citizenship
	Berlin	Germany	Germany
<b>204</b>	Post Office Address	City	State & ZIP/Country
	Charlottenstrasse 17	D-13156 Berlin	Germany
	Family Name	First Given Name	Second Given Name
<b>204</b>	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

Combined Declaration and Power of Attorney  
101195-66  
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205	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 201	<i>x Kunsten Bond</i>	Date	<i>&gt; 14. 12. 01</i>
Signature of Inventor 202	<i>x [Signature]</i>	Date	<i>&gt; 20. 12. 01</i>
Signature of Inventor 203	INVENTOR DECEASED - completed on added page		Date
Signature of Inventor 204			Date
Signature of Inventor 205			Date

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Attorney's Docket No.:  
101195-66

ADDED PAGE TO COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR SIGNING ABY ADMINISTRATOR(TRIX), EXECUTOR(TRIX)  
OR LEGAL REPRESENTATIVE ON BEHALF OF DECEASED OR  
INCAPACITATED INVENTOR (37.cfr 1.42 AND 1.43)

I, hereby declare that I am a citizen of Germany residing at Charlottenstrasse 17, D-13156 Berlin, Germany and that I am executing and signing the declaration to which this is attached as

\_\_\_ the administrator(trix) of

\_\_\_ executor(trix) of the last will and testament of

\_\_\_ ☒ legal representative (or heirs) of

third inventor, deceased, Michael Strauss  
a citizen of Germany  
who resided at Charlottenstrasse 17, D-13156 Berlin, Germany

That, upon information and belief, I aver those facts that the inventor is required to state..

Date: 27.02.02

Irene Strauss  
Irene Strauss

NOTE: Proof of authority of the administrator(trix), executor(trix) or legal representative must be recorded in the PTO or filed in the application before the grant of the patent. 37 CFR 1.44

NOTE: Application may be made by the heirs of the inventor if a certificate of the court will establish that they are all the heirs and the estate was not required to appoint an administrator. All the heirs must sign.

Amtsgericht Tautenburg / Weiskirchen  
Geschäftsnummer  
62 IV 160/99

01. Juni 1999

Berlin, den \_\_\_\_\_

Gegenwärtig:

(Syrka)

Rechtspflegerin

Rechtspfleger(in)

Zur Eröffnung einer gemeinschaftlichen Verfügung von Todes wegen des/der  
am 12. Januar 1950 geborenen und am 29. April 1999 verstorbenen

Prof. Dr. sc. nat. Michael Reinhard Strauss

erschien niemand.

Die Ladung der Beteiligten war untunlich und ist deshalb unterblieben.

Die Sterbeurkunde(n) – Sterbefallmitteilung(en) befindet/befinden sich bei den Akten.

Die bereits am \_\_\_\_\_ eröffnete(n) – gemeinschaftliche(n) – Verfügung(en) von Todes wegen wurde(n) nochmals eröffnet.

Die – gemeinschaftliche(n) – Verfügung(en) von Todes wegen wurde(n) – offen – im/in-unversehrt in offen verschlossenen Umschlag/Umschlägen – abgeliefert.

Der Umschlag/Die Umschläge wurde(n) geöffnet und die Verfügung(en) von Todes wegen vom 22.09.98 wurde eröffnet nach dem Ehemann.

– Die aus der besonderen amtlichen Verwahrung genommene(n) – gemeinschaftliche(n) – Verfügung(en) von Todes wegen war/waren mit dem Siegel des Notars/der Notarin des Amtsgerichts verschlossen.

Der Verschluß war / Die Verschlüsse waren unversehrt.

Der Umschlag/Die Umschläge wurde(n) geöffnet und die – gemeinschaftliche(n) – Verfügung(en) von Todes wegen vom \_\_\_\_\_ – mit Ausnahme des eingeklammerten Teiles nach eröffnet.

Rechtspfleger(in)

32 2200 2210 2000 0000  
Tegel (KG 262)

# Gemeinschaftliches Testament

Wir, die Eheleute Irene und Michael  
Strauss, setzen uns gegenseitig zu  
Alleinerben ein.

Nach dem Tode des Längstlebenden  
von uns, sollen unsere Kinder,  
Susanne und Robert, zu gleichen  
Teilen erben.

Sollte eines unseres Kinder nach dem  
Erstversterbenden den Pflichtteil ver-  
langen, so soll es auch nach dem  
Letztversterbenden nur den Pflichtteil  
erhalten.

Der überlebende Ehegatte hat die  
Möglichkeit, das Testament zu ändern.

Berlin, den 22. 09. 98 Irene Strauss

Dieses Testament ist auch mein letzter Wille.

Berlin, d. 22. 09. 99

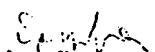
Michael Strauss

Eröffnet nach dem Ehemann

Berlin, den 01. Juni 1999

Amtsgericht Pankow/Weißensee, Abt. 62

- 62 IV 160 / 99 -

  
Rechtspflegerin





Die Übereinstimmung vorstehender  
Fotokopie / ~~Abschrift~~ mit der Urschrift  
wird hiermit beglaubigt.

Berlin, den 21. 6. 99

Justizangestellte



[Translator: Italicized material on this page was handwritten in the original.]

Certified Photocopy

*Amtsgericht Pankow/Weissensee*

(Local Court of Pankow/Weissensee), Dept. 62

File Number

62 IV 160 199

Berlin, June 1, 1999

Parties Present:

(Syrka)

Judicial Officer

Judicial Officer

For the opening of *a joint* last will and testament of

*Prof. Michael Reinhard Strauss, Dr. sc. nat.*

born *January 12, 1950*, and deceased *April 29, 1999*,

there appeared no one.

Notice of the parties was impracticable and therefore was omitted.

The death certificate(s) ~~Accident Report(s)~~ are in the files [illegible]

The last will and testament(s) of \_\_\_\_\_

~~which was opened on \_\_\_\_\_ was/were opened again.~~

The joint last will and testament(s) was/were delivered ~~open/in sealed~~ in an open envelope(s).

~~The envelope(s) was/were opened and the~~ last will and testament(s) of 9/22/98 was opened *after the husband*.

The – joint – last will and testament(s) which were taken from special official safekeeping was / were sealed with the seal of the notary of the Local Court of

The seal(s) was/were intact.

The envelope(s) was / were opened and the – joint – last will and testament(s) of \_\_\_\_\_ was/were opened – with the exception of the bracketed portion after [cut off of page].

[signature; illegible]

Judicial Officer

[Vertical text on lower left side]

Opening of a last will and testament

§§ 2260, 2273, 2300 of the Civil Code (BGB)

[illegible KG 262]

Joint Last Will and Testament

We, Irene and Michael Strauss, wife and husband, mutually name ourselves as sole heirs.

After the death of the last of us to die, our children, Susanne and Robert, shall be heirs in equal portions.

If one of our children shall demand his or her statutory share after the death of the first of us to die, he or she shall also receive only the statutory share after the last to die.

The surviving spouse shall have the possibility of changing the last will and testament.

Berlin, 9/22/98

Irene Strauss

This testament is also my last will.

Berlin, 9/22/99 [sic]

Michael Strauss

Opened after the husband

Berlin, June 1, 1999.

Amtsgericht Pankow/Weissensee (Local Court of Pankow/Weissensee), Dept. 62

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[signature: illegible]

[illegible]

[Seal: AMTSGERICHT PANKOW/WEISSENSEE · BERLIN]

I hereby certify that the above photocopy / ~~duplicate~~ conforms to the original document.

Berlin, 6/21/99

[signature: illegible] Employee of the Court

[Seal: AMTSGERICHT PANKOW/WEISSENSEE · BERLIN]